

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF NEW YORK

JAMES P. SCHIAVONE,

Plaintiff,

- against -

ANTHONY WILECZEK AND CAMPBELL'S
AUTO EXPRESS, INC.,

Defendants.

ORDER

22-CV-05894 (PMH)

PHILIP M. HALPERN, United States District Judge:

Counsel for all parties appeared for an in-person pretrial conference on January 18, 2024.

As explained more fully on the record during the conference, the Court directs as follows:

1. The parties are placed on 5 days trial notice. This case will be the back up to a case proceeding to trial on May 1, 2024. The Court will endeavor to notify the parties at the earliest practicable time whether this matter will proceed to trial on May 1, 2024 in place of the primary case. The alternative trial date, should this case not proceed to trial on May 1, 2024, is June 24, 2024.
2. The Court will hold a final pretrial conference on April 8, 2024 at 10:00 a.m. in Courtroom 520 of the White Plains Courthouse.
3. The parties shall meet and confer regarding the Court's directives and instructions regarding changes to the Joint Pretrial Order (Doc. 33) and file, by March 25, 2024, a revised Joint Pretrial Order.
4. The following exhibits are admitted for all purposes: Plaintiff's Exhibit Nos. 1-6, 18-19.¹ With respect to Plaintiff's Exhibits 7-17, the parties shall meet and confer and shall propose only 1-2 photographs per topic. With respect to Plaintiff's Exhibits 20 ("Video of the Accident from the Carhart Wine Store"), the parties shall meet and confer to determine it is the unobjection video to be used with the testimony of Aleah Hyers. With respect to Plaintiff's Exhibits 21-32 (medical records), provided Plaintiff satisfies the foundation requirement through the use of appropriate certification, the parties shall meet and confer to agree on any redactions to be applied thereto. All exhibits shall be Bates stamped.

¹ The exhibit numbers referenced herein are taken from the exhibit list contained within the Joint Pretrial Order filed on October 31, 2023. (Doc. 33 at 6-7).

5. The parties shall meet and confer and file, by March 25, 2024, a Stipulation and Proposed Order which provides a summary of the case that can be read to the jury and establishes that Defendants have conceded liability. That Stipulation and Proposed Order shall include the amount of Plaintiff's medical bills at issue in this case.
6. The questions in the parties Proposed *Voir Dire* (Doc. 35) are all granted or granted in substance except the following proposed questions are denied: 7, 11, 12, 18, 19, 38, 40, 41, 45, 48, 50, and Subpart (a), (f), (g), (h), and (j) of Section VI. With respect to proposed *voir dire* question 5, the Court will not ask jurors their names.
7. The parties shall review the proposed *Voir Dire* Questionnaire Form provided by the Court during the conference and file, by March 25, 2024, a joint letter informing the Court as to any objections or additions thereto.
8. The parties shall meet and confer regarding changes to the proposed Verdict Sheet (Doc. 36) and file, by March 25, 2024, a revised proposed Verdict Sheet.
9. Three exhibit binders containing the parties' exhibits, and an index listing the content of the binders, shall be produced to the Court by March 25, 2024.

SO ORDERED.

Dated: White Plains, New York
January 19, 2024



PHILIP M. HALPERN
United States District Judge